

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

THEODORE TSORAS,

Plaintiff,

v.

GOVERNOR JOE MANCHIN, III,
in his official and individual
capacity, JOHN C. MUSGRAVE,
West Virginia Lottery
Commission Director, in his
official and individual
capacity, MICHAEL A. ADAMS,
West Virginia Lottery
Commission Member, in his
official and individual
capacity, KENNETH L. GREER,
West Virginia Lottery
Commission Member, in his
official and individual
capacity, BILL CLAYTON, West
Virginia Lottery Commission
Member, in his official and
individual capacity, DAVID
McCORMICK, West Virginia
Lottery Commission Member, in
his official and individual
capacity, and DON LUCCI,
West Virginia Lottery
Commission Member, in his
official and individual
capacity,

Defendants.

Civil Action No.: 5:08-CV-121

Judge Frederick P. Stamp

**PLAINTIFFS' VOLUNTARY DISMISSAL OF DEFENDANT
JOE MANCHIN III PURSUANT TO RULE 41(a)(1)(A)(i)**

Now comes the plaintiff, by and through his counsel, and respectfully and voluntarily dismisses his action against Defendant Joe Manchin III, in his official and individual capacity, without prejudice pursuant to Federal Rules of Civil Procedure Rule 41(a)(1)(A)(i).

The plaintiff states that this notice of dismissal is being filed before Defendant Manchin served an Answer or a motion for summary judgment to the Complaint and/or Amended Complaint in compliance with Rule 41(a)(1)(A)(i).

Theodore Tsoras

BY: /s/ Theodore L. Tsoras
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I, Theodore L. Tsoras, do hereby certify that on this 19th day of October, 2009, I electronically filed the foregoing **PLAINTIFFS' VOLUNTARY DISMISSAL OF DEFENDANT JOE MANCHIN III PURSUANT TO RULE 41(a)(1)(A)(i)** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

David L. Wyant, Esq.
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April J. Wheeler, Esq.
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/s/ Theodore L. Tsoras
Theodore L. Tsoras, Esq.
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